

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2600*

House Bill No. 2639

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

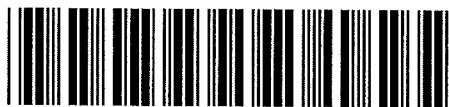
SECTION 1. Tennessee Code Annotated, Section 39-13-202(a)(2), is amended by deleting the following language:

A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child or aircraft piracy; or

and substituting instead the following:

A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, aircraft piracy, or physical abuse or gross neglect of an adult, as defined by § 71-6-102, under § 71-6-119; or

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 488*

House Bill No. 1140

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-605(b), is amended by designating the current language as subdivision (b)(1) and adding the following language as a new subdivision:

(2) As used in this section, an individual has a reasonable expectation of privacy, regardless of the location where a photograph is taken, if:

(A) The photograph depicts the individual in a state of nudity, as defined in § 39-13-517; and

(B) The nudity depicted was not visible to ordinary observation.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

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Comm. Amdt. _____

AMEND Senate Bill No. 1717*

House Bill No. 1722

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-113(c)(1), is amended by deleting the language "Works with one (1) or more persons" and substituting instead the language "Acts in concert with one (1) or more people".

SECTION 2. Tennessee Code Annotated, Section 39-14-113(d), is amended by deleting the subsection and substituting instead the following language:

(d)

(1) A violation of subsection (c) is punished as theft pursuant to § 39-14-105.

(2) A violation of subsection (c) is punished one (1) classification higher than provided in § 39-14-105 if the defendant exercised organizational, supervisory, financial, or management authority over the activity of one (1) or more other persons in furtherance of a violation of this section.

SECTION 3. Tennessee Code Annotated, Section 39-14-113, is amended by deleting subsection (f) and substituting instead the following language:

(f)

(1) Any sale or purchase of stored value cards by persons or merchants, other than the issuer or the issuer's authorized agent, including any transaction that occurs in this state or with a person in the state who transacts online, requires that the appropriate information contained in this subsection be recorded and a copy of the record shall be maintained for at least three (3) years.



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Regardless of the method by which the transaction is conducted, the merchant shall record the following information for each transaction:

(A) The time, date, and place of the transaction;

(B) A complete and accurate description of the stored value card sold or purchased, including, if available, the name of the original issuer, the face value of the stored value card when sold or purchased, the acquired price of the stored value card, and the stored value card serial number;

(C) Pin numbers shall be provided for specific individuals upon the request of law enforcement; and

(D) A signed statement or digital affirmation by the seller of the stored value card, if applicable, verifying that the seller is the rightful owner of the stored value card or is authorized to sell, consign, or trade the stored value card.

(2) If the transaction is completed in person or by any method other than in a kiosk or online, the record shall include:

(A) The information required in subdivision (f)(1);

(B) A copy, digital swipe, or scan of a valid government issued identification card, such as a driver license, state identification card, or military identification card, of the person who purchased the stored value card, or the person to whom stored value card was sold;

(C) A thumbprint of the person who sold the stored value card; and

(D) A description of the person who sold the stored value card including the person's full name, current residential address, phone number, height, weight, date of birth, or other identifying marks.

(3) If the transaction is completed at a kiosk, the record shall include:

(A) The information required in subdivision (f)(1);

(B) A digital swipe or scan of a valid government issued identification card, such as a driver license, state identification card, or military identification card, of the person who purchased the stored value card, or sold the stored value card; and

(C) A thumbprint of the person who sold the stored value card.

(4) If the transaction is completed online the record shall include:

(A) The information required by subdivision (f)(1);

(B) A verified email address;

(C) The IP address or digital device identification used to access the website or app of the seller;

(D) Data collected about the person who purchased the stored value card, or sold the stored value card, including name and mailing address used to remit payment; and

(E) A token identifier for a validated credit or debit card and billing zip code.

(5) Local law enforcement agencies shall notify merchants known to sell stored value cards of the recording and reporting requirements required by subdivisions (f)(1)-(f)(4). The notification to merchants shall be in writing and shall state the law enforcement agency's policy regarding how the information is to be reported in the applicable jurisdiction and certify that any data collected from the merchant will be stored in a secure and confidential manner. All records shall be delivered to the appropriate law enforcement agency or its designated reporting database in an electronic or other report format approved by that same agency within twenty-four (24) hours from the date of the transaction. The information shall be stored on a law enforcement owned, operated, and housed server. Any gift card database software should be free for state law enforcement

agencies; state, county, and city government agencies; and for the merchants that are reporting.

(6)

(A) A merchant commits a Class A misdemeanor who knowingly fails to follow the reporting and recording requirements pursuant to this subsection (f). However, for a merchant to be charged or convicted under this subsection (f), the law enforcement agency must have first notified the merchant in writing of the reporting obligations in that jurisdiction. If the violation is committed by the owner, stockholder, or managing partner of a business selling a stored value card, then the business license may be suspended or revoked at the discretion of the city or county clerk.

(B) Any person who knowingly provides false information in response to the reporting requirements of this section commits a Class A misdemeanor.

(C) Any fines derived from violations of this subsection (f) shall be earmarked for law enforcement purposes if the law enforcement entity shows proof of notification of reporting requirements signed by the person or agent of the entity in violation.

(7) Notwithstanding this section to the contrary, the comptroller of the treasury is authorized to request and receive from a law enforcement agency any data or information received by the law enforcement agency pursuant to this subsection (f).

SECTION 4. Tennessee Code Annotated, Section 39-14-113, is amended by adding the following language as a new subsection:

(g) All information gathered pursuant to subsection (f) shall remain confidential.

If a local law enforcement agency utilizes a third party, including, but not limited to, a third-party database or software company, to keep records or to analyze stored value

card transactions, the third party must agree to keep all information confidential and only share the information with law enforcement agencies, the comptroller of the treasury, or the original issuer of the stored value card.

SECTION 5. This act shall take effect July 1, 2018, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1661

House Bill No. 1547*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(c)(1), is amended by deleting the subdivision and substituting instead the following:

(A) Cocaine or methamphetamine is a Class B felony if the amount involved is point five (0.5) grams or more of any substance containing cocaine or methamphetamine and, in addition, may be fined not more than one hundred thousand dollars (\$100,000);

(B) Fentanyl, or an equipotent amount of carfentanil, sufentanil, remifentanil, or any analogue of fentanyl, is a Class B felony if the amount involved is point one (0.1) grams or more but ten (10) grams or less of fentanyl, or an equipotent amount of carfentanil, sufentanil, remifentanil, or any analogue of fentanyl and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); or

(C)

(1) Fentanyl, or an equipotent amount of carfentanil, sufentanil, remifentanil, or any analogue of fentanyl, is a Class A felony if the amount involved is more than ten (10) grams of fentanyl, or an equipotent amount of carfentanil, sufentanil, remifentanil, or any analogue of fentanyl;

(2) In addition to the possible punishment for a Class A felony, a person convicted under this subdivision (c)(1)(C) may be fined not more than five hundred thousand dollars (\$500,000) and shall be required to serve one hundred percent (100%) of at least the minimum sentence imposed for the violation of this subdivision (c)(1)(C); and



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SECTION 2. Tennessee Code Annotated, Section 39-17-417(c)(2)(A), is amended by deleting the subdivision and substituting instead the following:

(A) Any other Schedule II controlled substance, including cocaine or methamphetamine in an amount of less than point five (0.5) grams, or fentanyl, or an equipotent amount of carfentanil, sufentanil, remifentanil, or any analogue of fentanyl, in an amount of less than point one (0.1) grams, is a Class C felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); provided, that if the offense involves less than point five (0.5) grams of a controlled substance containing cocaine or methamphetamine or less than point one (0.1) grams of fentanyl, or an equipotent amount of carfentanil, sufentanil, remifentanil, or any analogue of fentanyl, but the defendant carried or employed a deadly weapon as defined in § 39-11-106, during commission of the offense or the offense resulted in death or bodily injury to another person, the offense is a Class B felony.

SECTION 3. Tennessee Code Annotated, Section 39-17-417, is amended by adding the following new subsection:

() A violation of this section with respect to a substance that is the combination of fentanyl, or an equipotent amount of carfentanil, sufentanil, remifentanil, or any analogue of fentanyl, and any other controlled substance shall be punished one (1) classification higher than provided in subsections (b)-(i).

SECTION 4. Tennessee Code Annotated, Section 39-17-417(n)(1), is amended by deleting the language "methamphetamine" and substituting instead the language "methamphetamine, fentanyl, or an equipotent amount of carfentanil, sufentanil, remifentanil, or any analogue of fentanyl".

SECTION 5. Tennessee Code Annotated, Section 39-17-418(c)(2), is amended by deleting the language "methamphetamine" and substituting instead the language "methamphetamine, fentanyl, or an equipotent amount of carfentanil, sufentanil, remifentanil, or any analogue of fentanyl".

SECTION 6. This act shall take effect July 1, 2018, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1784

House Bill No. 1698*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new section:

55-10-426.

(a) In addition to the penalties imposed by §§ 55-10-402, 55-10-403, and 55-10-404, a person convicted of violating § 55-10-401 forfeits the privilege to purchase alcoholic beverages in this state for the following periods:

(1) One (1) year from the date of the first issuance of any driver license, including a restricted driver license, after the conviction for a first offense;

(2) Two (2) years from the date of the first issuance of any driver license, including a restricted driver license, after the conviction for a second offense;

(3) Six (6) years from the date of the first issuance of any driver license, including a restricted driver license, after the conviction for a third offense; or

(4) Eight (8) years from the date of the first issuance of any driver license, including a restricted driver license, after the conviction for a fourth or subsequent offense.

(b) Any driver license, including a restricted driver license, issued to a person under this section shall be issued in compliance with § 55-50-307.

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 50, Part 3, is amended by adding the following as a new section:

55-50-307.



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(a) If a licensee has forfeited the privilege to purchase alcoholic beverages in this state pursuant to § 55-10-426, any driver license, including any restricted driver license, issued during the period of the forfeiture must:

(1) Bear the language "No Alcohol Sale"; and

(2) Contain other secure features identifying the licensee as being restricted from purchasing alcoholic beverages, including, but not limited to, a prominent red stripe on the front of the driver license.

(b) Upon expiration of the period of forfeiture, the licensee may obtain a driver license without the language or other features required under subsection (a) by paying the fee for a duplicate driver license. However, no person shall be required to obtain such driver license until the driver license expires.

(c) In addition to any other driver license reinstatement fee imposed for violations of § 55-10-401, a person issued a driver license under subsection (a) shall be required to pay an additional reinstatement fee of fifteen dollars (\$15.00).

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 17, Part 7, is amended by adding the following as a new section:

(a) Notwithstanding any law to the contrary, it is an offense for:

(1) A person to knowingly sell an alcoholic beverage to a person who has forfeited the privilege to purchase alcoholic beverages pursuant to § 55-10-401; or

(2) A person to purchase an alcoholic beverage if the person has forfeited the privilege pursuant to § 55-10-401.

(b) A violation of this section is a Class C misdemeanor.

SECTION 4. This act shall take effect January 1, 2019, the public welfare requiring it, and shall apply to offenses occurring on or after that date.

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1692

House Bill No. 1514*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following as a new subsection:

Notwithstanding this section, a defendant sentenced under this chapter shall be authorized to earn and retain any sentence reduction credits authorized by § 41-21-236 or any other provision of law relating to sentence reduction credits. However, no sentence reduction credits earned or retained by a defendant sentenced for committing a Class A, B, or C felony against a person under title 39, chapter 13, shall operate to permit the defendant's release on parole, probation, or community correction supervision until the defendant has served the applicable percentage of the actual sentence imposed, as specified in subsections (b)-(f) and without consideration of sentence credits earned and retained by the defendant. Any sentence reduction credits earned and retained during that time shall be credited towards the defendant's expiration of sentence.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to offenses committed on or after that date.



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2044

House Bill No. 2046*

FILED

Date _____

Time _____

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by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-50-501(a), is amended by adding the following new subdivision:

(22) The director and deputy director of the Tennessee bureau of investigation.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1602

House Bill No. 1543*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-318, is amended by deleting the language "or another state" from subdivision (c)(3).

SECTION 2. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subdivision (c)(4) and substituting instead the following:

(4) A pocket card, with identifying photo, certifying that the bounty hunter has completed the training required by § 40-11-401.

SECTION 3. Tennessee Code Annotated, Section 40-11-318, is amended by deleting the following language from subsection (f):

If the bounty hunter is from a state other than Tennessee, proof that the bounty hunter has completed an equivalent criminal history background check in the person's home state within the last year shall be provided to the appropriate law enforcement agency of the political subdivision where the taking will occur.

SECTION 4. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (g) and substituting instead the following:

(g) No bounty hunter shall wear, carry, or display any uniform, badge, shield, card, or other item with any printing, insignia, or emblem that purports to indicate or copies or resembles an item that indicates that such bounty hunter is an employee, officer, or agent of any local, state, or federal government or any political subdivision of any local, state, or federal government.

SECTION 5. Tennessee Code Annotated, Section 40-11-318, is amended by adding



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the following as a new section:

(h) Nothing in this section gives a bounty hunter legal defense or privilege to violate any traffic laws or criminal statutes.

SECTION 6. This act shall take effect July 1, 2018, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1593

House Bill No. 1480*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) An out-of-court statement made by a child who is under twelve (12) years of age at the time of a criminal trial describing any sexual act performed by, with, or on the child or describing any act of physical violence directed against the child shall not be excluded from evidence at the criminal trial as hearsay if all of the following apply:

(1) The court finds that the totality of the circumstances surrounding the making of the statement provides particularized guarantees of trustworthiness that make the statement at least as reliable as statements admitted pursuant to Rules 803 and 804 of the Tennessee Rules of Evidence. The circumstances shall establish that the child was particularly likely to be telling the truth when the statement was made and that the test of cross-examination would add little to the reliability of the statement. In making a determination of the reliability of the statement, the court shall consider all of the circumstances surrounding the making of the statement, including, but not limited to, the spontaneity, internal consistency of the statement, mental state of the child, child's motive or lack of motive to fabricate, child's use of terminology unexpected of a child of similar age, means by which the statement was elicited, and lapse of time between the act and the statement. In making this determination, the court shall not consider whether independent proof exists of the sexual act or act of physical violence;



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(2) The child's testimony is not reasonably obtainable by the proponent of the statement;

(3) Independent proof exists of the sexual act or act of physical violence; and

(4) At least ten (10) days before the trial or hearing, a proponent of the statement has notified all other parties in writing of the content of the statement, the time and place at which the statement was made, the identity of the witness who is to testify about the statement, and the circumstances surrounding the statement that are claimed to indicate trustworthiness of the statement.

(b) The child's testimony is not reasonably obtainable by the proponent of the statement under subdivision (a)(2) only if:

(1) The child refuses to testify concerning the subject matter of the statement or claims a lack of memory of the subject matter of the statement after a person trusted by the child, in the presence of the court, urges the child to both describe the acts described by the statement and to testify; or

(2) The court finds that:

(A) The child is absent from the trial or hearing;

(B) The proponent of the statement has been unable to procure the child's attendance or testimony by process or other reasonable means despite a good faith effort to do so; and

(C) It is probable that the proponent would be unable to procure the child's testimony or attendance if the trial or hearing were delayed for a reasonable time; or

(3) The court finds that:

(A) The child is unable to testify at the trial or hearing because of death or then-existing physical or mental illness or infirmity; and

(B) The illness or infirmity would not improve sufficiently to permit the child to testify if the trial or hearing were delayed for a reasonable time.

(c) The proponent of the statement fails to establish that the child's testimony or attendance is not reasonably obtainable under subdivision (a)(2) if the child's refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of the statement for the purpose of preventing the child from attending or testifying.

(d) The court shall make the findings required by this section on the basis of a hearing conducted outside the presence of the jury and shall make findings of fact on the record, as to the basis for the court's ruling.

(e) Nothing in this section shall affect the admissibility of evidence admitted under § 24-7-117 or § 24-7-120.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to trials occurring on or after that date.